

State of Kansas  
Board of Technical Professions

Notice of Public Hearing on Proposed Administrative Regulations

A public hearing will be conducted on Wednesday, May 11, 2016 at 10:00 a.m. in Room 510 of the Landon State Office Building, 900 SW Jackson, Topeka, Kansas to consider the adoption of proposed changes to existing rules and regulations of the Board of Technical Professions.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Board of Technical Professions, Suite 507, Landon State Office Building, 900 SW Jackson, Topeka, Kansas 66612, or by email to [shelby.lopez@ksbtp.ks.gov](mailto:shelby.lopez@ksbtp.ks.gov). All interested parties will be given a reasonable opportunity to present their views on the adoption of the proposed regulations orally during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Shelby Lopez at 785-296-3053 or by email at [shelby.lopez@ksbtp.ks.gov](mailto:shelby.lopez@ksbtp.ks.gov).

Summaries of the proposed regulations follow. There is no anticipated economic impact on the Board of Technical Professions, any other governmental agency or the public.

**K.A.R. 66-6-1. Seals and signatures.** This regulation has been amended to provide clarity regarding digital seals and signatures.

Copies of the proposed regulations and the economic impact statement for the proposed regulations may be obtained by contacting the board at the address and phone number given above, from the Board's website at [www.ksbtp.ks.gov](http://www.ksbtp.ks.gov), or by email request to [shelby.lopez@ksbtp.ks.gov](mailto:shelby.lopez@ksbtp.ks.gov).

Shelby Lopez  
Executive Director

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Shelby Lopez  
Executive Director

66-6-1. Seals and signatures. (a) Each licensee shall obtain a seal of the design approved by the board in compliance with K.S.A. 74-7023, and amendments thereto. The seal may contain an abbreviated form of the licensee's given name or a combination of initials representing the licensee's given name if the surname listed with the board appears on the seal and in the signature. The seal may be a rubber stamp, an embossed seal, or a computer-generated digital seal.

~~(b) Each original drawing, document, technical report, legal description, record, and paper prepared by or under the direct supervision of the licensee in the licensee's professional capacity shall be stamped with the licensee's seal, unless the project is exempt from the requirements for licensure pursuant to K.S.A. 74-7031, K.S.A. 74-7032, K.S.A. 74-7033, K.S.A. 74-7034, or 2014 SB 349, sec. 26, and amendments thereto.~~

~~After the licensee's seal has been applied to the original or record copy, the licensee shall place the licensee's handwritten signature and date across the seal.~~

~~(c)(1) Any licensee may use a digital signature if the signature meets all of the following requirements:~~

- ~~(A) Is unique to the person using it;~~
- ~~(B) is able to be verified;~~
- ~~(C) is under the sole control of the person using it; and~~
- ~~(D) is linked to an electronic document bearing the digital signature in such a manner that the signature is invalidated if any data in the document is altered.~~

~~(2) Each displayed copy of, and each hard copy printed from, a transmitted or stored electronic document containing a digital signature shall bear the facsimile of the signature, date of signing, and seal and shall be a confirmation that the electronic document was not altered~~

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~~after the initial digital signing of the document. If the electronic document is altered, the facsimile of the signature, date, and seal shall be caused to be voided.~~ (1) After the licensee's seal has been applied to any document, the licensee shall apply the licensee's handwritten or authenticated digital signature and the date across the seal. The application of the licensee's seal and signature and the date shall constitute certification that the document on which the seal was applied was created by the licensee or under the licensee's responsible charge.

(2) After a licensee has applied the seal, handwritten or digital signature, and date to a document, that document may be reproduced as necessary for the project in accordance with applicable law.

(3) Any licensee may use a digital signature if the digital signature authentication process meets all of the following requirements:

(A) Is unique to the licensee using the digital signature;

(B) is able to be verified;

(C) is under the sole control of the licensee using the digital signature; and

(D) is linked to an electronic document bearing the digital signature in such a manner that the signature is invalidated if any data in the document is altered.

(4) Each transmitted or stored electronic document containing a digital signature shall bear the signature, date of signing, and seal, which shall be a confirmation that the electronic document was not altered after the initial digital signing of the document. If the electronic document is altered, the signature, date, and seal shall be void.

(c)(1) Except as provided in K.S.A. 74-7031, K.S.A. 74-7032, K.S.A. 74-7033, K.S.A. 74-7034, or K.S.A. 74-7042a and amendments thereto, each document, including drawings, technical reports, original land descriptions for the purpose of conveying an interest in real

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property, records, and papers, shall be sealed, signed, and dated by the licensee who prepared the document or by the licensee who is in responsible charge. The licensee shall seal, sign, and date only work within the licensee's area of licensure and competence. Unless the licensee is in responsible charge, that licensee shall not review or check technical submissions of another licensed professional or unlicensed person and seal the documents as the licensee's own work.

(2) Documents required to be sealed, signed, and dated shall include the following:

(A) Any document submitted to any public or governmental agency, a client, or a user for final approval or recording; and

(B) each revision to a sealed, signed, and dated document, which shall be identified and sealed, signed, and dated by the licensee responsible for the revision.

(d)(1) The following documents shall be sealed, signed, and dated as specified in this subsection:

(A) For a set of drawings, in one of the following ways:

(i) On each drawing sheet of a set of drawings;

(ii) only on the first sheet of a multisheet set of project drawings if a digital signature authentication process meeting all the requirements in this regulation and capable of digitally linking all drawing sheets to a licensee's area of responsibility is utilized; or

(iii) in a certification block displaying the seal, signature, and date of each licensee in responsible charge and designating the drawing sheets for which each licensee is responsible, which shall be included on the cover sheet or first drawing sheet of the set of drawings;

(B) for project-specific technical specifications, on the cover sheet or index page. If multiple licensees contribute to these specifications, each licensee shall also designate each

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part for which that licensee is responsible;

(C) for each technical report or survey plat, on the first or last page;

(D) for original land descriptions for the purpose of conveying an interest in real property, on the first or last page;

(E) for each manufacturer's design document submitted in response to a project's delegated design requirements, including performance specifications or drawings for a specific system or components that are not commonly manufactured items standard for order, and prepared by or under the direct supervision of a Kansas licensee, with the submittal sealed, signed, and dated by the manufacturer's Kansas licensee as specified in paragraph (d)(1)(A) or (B); and

(F) for modified standard details or drawings required by a public agency to be incorporated in a project, on the cover sheet or index page of the document.

(2) For multiple seals, each licensee shall affix that individual's seal and signature to the document and shall designate the specific subject matter for which that licensee is responsible, in a note under that licensee's seal or in the title or index sheet indicating the document to which the seal applies.

(e) The documents not required to be sealed, signed, and dated shall include the following:

(1) A working drawing or preliminary document, if the working drawing or preliminary document contains a statement in large, bold letters stating "PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION" or words of comparable meaning; and

(2) published standard details, drawings, or specifications adopted by a municipal,

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county, or public agency, if incorporated in that agency's own projects. These documents shall be referenced within the project's set of drawings when used. Nothing in this subsection shall relieve a licensee of the duty of professional conduct.

(f)(1) If a licensee who has responsible charge of the work is unavailable to complete the work, a successor licensee may assume responsible charge by performing all professional services, including developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work, under either of the following conditions:

(A) The work is a site adaptation of a standard design plan.

(B) The non-professional services, including drafting, are not required to be redone by the successor licensee but clearly and accurately reflect the successor licensee's work.

(2) The successor licensee shall have responsible charge over the work product.

(3) The successor licensee shall be responsible for compliance with this subsection.

(Authorized by K.S.A. 2013 2015 Supp. 74-7013, ~~as amended by 2014 SB 349, sec. 12;~~ implementing K.S.A. 2013 2015 Supp. 74-7023, ~~as amended by 2014 SB 349, sec. 17;~~ effective May 1, 1978; amended May 1, 1984; amended May 1, 1985; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 13, 1995; amended March 1, 1996; amended Feb. 6, 1998; amended Nov. 2, 2001; amended March 28, 2008; amended, T-66-5-30-14, July 1, 2014; amended Sept. 26, 2014; amended P-\_\_\_\_\_.)

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**KANSAS STATE BOARD OF TECHNICAL PROFESSIONS  
ECONOMIC IMPACT STATEMENT  
K.A.R. 66-6-1**

**I. Summary of Proposed Amendment to Regulation, Including its Purpose.**

This regulation is being revised to provide clarity regarding digital seals and signatures.

**II. Reason or Reasons the Proposed Regulations Are Required, Including Whether or Not the Regulations Are Mandated by Federal Law.**

Federal law does not mandate the proposed regulations.

**III. Anticipated Economic Impact upon the Kansas State Board of Technical Professions.**

The adoption of this amendment does not have any economic impact upon the Kansas State Board of Technical Professions.

**IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.**

The Board does not anticipate that this amendment will have any financial impact upon other governmental agencies, private businesses or individuals.

**V. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.**

The Board is not aware of any less costly or less intrusive methods to achieve the stated purpose and thus none were considered.

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